



STATE OF NEVADA

**BEFORE THE NEVADA COMMISSION ON ETHICS**

In the Matter of the Request for Opinion  
Concerning the Conduct of **THOMAS MOORE**,  
Member, Douglas County School District Board  
of Trustees, Douglas County, State of Nevada,

**Request for  
Opinion No. 09-45C**

Subject.

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**NOTICE OF HEARING  
and  
PANEL DETERMINATION**  
NRS 281A.440(3),(8) and NAC 281A.450

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that a hearing has been set to consider the allegations listed below against Thomas Moore in accordance with Chapters 233B and 281A of the Nevada Revised Statutes and Chapter 281A of the Nevada Administrative Code.

The purposes of the hearing are to determine whether a violation of the Nevada Ethics in Government Law occurred and, if a violation is found, whether such violation was willful and whether the Nevada Commission on Ethics (Commission) will impose any penalty.

**THE HEARING WILL TAKE PLACE:**

**October 7, 2009 beginning at 1:00 p.m., or as soon thereafter as the  
Commission is able to hear the matter, at the following location:**

**Nevada Legislative Building  
401 S. Carson Street  
Room No. 3143  
Carson City, NV**

Mr. Moore must be present when this matter is called. If Mr. Moore is not present when this hearing is called, the Commission may consider as true the alleged violations specified in the Panel Determination herein. Please direct any hearing scheduling matters to the Commission's Executive Director, (775) 687-5469, ext. 222.

The hearing is open to the public under Nevada's Open Meeting Law. A record will be made by a certified court reporter. Mr. Moore has the right to appear, be represented by legal counsel, hear the evidence presented, respond, and present evidence on his own behalf.

Mr. Moore has the right to request that the Commission issue subpoenas on his behalf to compel witnesses to testify and/or produce evidence. In making this request, he may be required to demonstrate the relevance of the witnesses' testimony and/or evidence. Other rights may be found in NRS 281A, NRS 233B, and NAC 281A. Any finding by the Commission of a violation of NRS 281A must be supported by a preponderance of the evidence.

## **PANEL DETERMINATION**

### **Facts and Jurisdiction**

An Ethics Complaint was filed against Mr. Moore alleging violations of NRS 281A (Ethics in Government Law), specifically NRS 281A.420(1) and (3)<sup>1</sup>, when he failed to disclose and abstain from acting in a matter in which he had a commitment in a private capacity to the interests of his spouse.

In his public capacity, at the time of the alleged conduct, Mr. Moore was a member of the Douglas County School District Board of Trustees, a public officer as defined in NRS 281A.160. Therefore, the Commission has jurisdiction in this matter.

### **Panel Proceeding**

On August 26, 2009, pursuant to NRS 281A.440(3), a Panel consisting of Commissioners Mark Hutchison and Gregory Gale reviewed the following: Ethics Complaint; Moore's response to the Complaint; Investigator's Report; and the evidence collected by Commission staff.

The Panel's unanimous conclusions follow:

1. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Mr. Moore violated NRS 281A.420(1) on June 17, 2009, when he failed to disclose his private commitment to his spouse, an employee of the Douglas County School District (District), prior to taking action on a matter affecting her immediate supervisor, the District superintendent. The matter at issue pertained to extending the superintendent's contract.
2. Just and sufficient cause exists for the Commission to hold a hearing and render an opinion on whether Moore violated NRS 281A.420(3) on June 17, 2009, when he voted on a matter affecting his spouse's immediate supervisor, the District superintendent. The matter at issue pertained to extending the superintendent's contract.

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<sup>1</sup> Codification in accordance to Senate Bill 160, 2009 Legislative Session, effective May 28, 2009.

Therefore, the above two allegations are referred to the Commission for a hearing to render an opinion.

Dated: September 4, 2009

Caren Jenkins  
Caren Jenkins, Esq.  
Executive Director

**CERTIFICATE OF MAILING**

I certify that I am an employee of the Nevada Commission on Ethics and that on this day in Carson City, Nevada, I placed a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION, COMMISSION'S EXHIBIT LIST, COMMISSION'S WITNESS LIST and SCHEDULING ORDER** and the investigation materials in **Request for Opinion No. 09-45C** in an envelope and caused same to be hand delivered via Reno Carson Messenger Service to Moore's Counsel and a true and correct copy of the **NOTICE OF HEARING AND PANEL DETERMINATION and SCHEDULING ORDER** to the Complainant was sent via certified mail return receipt requested through the State of Nevada Mailroom addressed as follows:

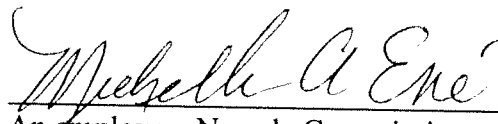
Rick Hsu, Esq.  
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Counsel for Mr. Moore

Sent for hand delivery via Reno Carson  
Messenger

Chris Sullivan  
P.O. Box 6960  
Stateline, NV 89449

Cert. Mail No. 7002 2030 0005 8442 5420

DATED: 09/04/09

  
An employee, Nevada Commission on Ethics